

ORDER NO. 5886

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Michael Kubayanda, Chairman;
Ashley E. Poling, Vice Chairwoman;
Mark Acton;
Ann C. Fisher; and
Robert G. Taub

Transfer of Bound Printed Matter
Parcels to the Competitive Product List

Docket No. MC2021-78

ORDER GRANTING MOTION FOR ACCESS TO NON-PUBLIC MATERIALS

(Issued May 7, 2021)

On March 26, 2021, the Postal Service filed a notice with the Commission pursuant to 39 U.S.C. § 3642 and 39 C.F.R. § 3040.130 *et seq.*, requesting that Bound Printed Matter Parcels be transferred from the Market Dominant product list to the Competitive product list.¹ On April 23, 2021, the Postal Service filed responses to questions 3.b. and 4.a. of Chairman's Information Request No. 2, along with a motion for non-public treatment of those responses.²

¹ United States Postal Service Request to Transfer Bound Printed Matter Parcels to the Competitive Product List, March 26, 2021 (Request).

² United States Postal Service Notice of Filing Attachment Under Seal and Motion for Non-Public Treatment of Responses to Questions 3b and 4a of Chairman's Information Request No. 2, April 23, 2021 (Response to CHIR No. 2, Questions 3.b. and 4.a.).

On April 28, 2021, the Association for Postal Commerce (PostCom) filed a motion under 39 C.F.R. § 3011.301 requesting access to Attachment A to the Response to CHIR No. 2, Questions 3.b. and 4.a.³

PostCom indicates that the materials are for its outside counsel and its Chief Executive Officer and represents that its use will be to inform its comments in this docket regarding the compliance of the proposed product transfer with applicable statutes and regulations. Motion at 2. Included with the Motion are executed protective conditions statements for the parties to be given access. *Id.* PostCom states that actual notice of the Motion was not provided to the Postal Service. *Id.* at 3.

Because actual notice was not provided to the Postal Service, Commission regulations provided for a 7-calendar-day period during which responses to the Motion could be filed. 39 C.F.R. § 3011.301(c). No responses to the Motion were filed during that response period.

As no opposition to the Motion has been filed, the Motion is granted. See 39 C.F.R. § 3011.301(e).

It is ordered:

1. The Motion of the Association for Postal Commerce for Access to Nonpublic Materials, filed April 28, 2021, is granted.
2. The two representatives identified in the Motion shall be granted access to non-public material identified as Attachment A to the Response to CHIR No. 2, Questions 3.b. and 4.a.

By the Commission.

Erica A. Barker
Secretary

³ Motion of the Association for Postal Commerce for Access to Nonpublic Materials, April 28, 2021 (Motion).